



State of
California



Department of
Toxic Substances
Control

Treated Wood Waste Management

FACT SHEET, November 2005

Health and Safety Code (HSC) Sections 25143.1.5, 25150.7, 25150.8

This fact sheet provides information and guidance for handling and disposing Treated Wood Waste (TWW). Former exemptions have been rescinded.

Until January 1, 2007, certain TWW is exempted from hazardous waste requirements when certain restrictions are met. It must (a) be lawfully disposed, (b) be handled in a manner that complies with all applicable rules, regulations, and orders relating to hazardous waste, (c) not be scavenged, burned, or recycled, and (d) stored for less than 90 days, kept dry, and placed on an impervious surface.

General Information

- These laws apply to anyone who handles treated wood including consumers, retailers, contractors, treated wood wholesalers, and the wood preserving industry.
- Treated wood means wood that has been treated with a chemical preservative to protect the wood from insects, microorganisms, fungi, and other environmental conditions that can lead to wood decay. Some commonly applied chemicals include creosote, pentachlorophenol, copper azole (CA-B), copper boron azole (CBA), chromated copper arsenate (CCA), ammoniacal copper zinc arsenate (ACZA), copper naphthenate, and alkaline copper quaternary (ACQ). The wood preservatives are registered pursuant to the Federal Insecticide, Fungicide, and Rodenticide Act (FIFRA) and by the California Department of Pesticide Regulation (DPR). Other common surface applied coatings such as paint, varnish, and oil stain, are not considered wood preservatives.
- **Treated wood waste that is regulated as hazardous waste pursuant to Federal Law ("RCRA-TWW") must comply with the applicable California hazardous waste requirements, including, as applicable, generator, transportation, and facility management standards. An example of RCRA-TWW is CCA-treated wood waste scrap generated within a wood treating plant which is classified or characterized as hazardous under the federal rules.**
- **Treated wood waste that is not a RCRA-TWW may be considered a solid waste (not a hazardous waste) when it is managed according to HSC § 25143.1.5. This type of treated wood waste (TWW-utility) can only be generated by removal from electric, gas, or telephone service and may be disposed in a composite lined unit of a municipal solid waste landfill that is allowed to accept such waste.**

- Treated wood waste that is a) hazardous waste under California law, b) is not a RCRA-TWW, and c) not from electric, gas, or telephone service (not utility exempt) is eligible for the provisions of HSC § 25150.7 and 25150.8. This type of treated wood waste is referenced as **TWW** in the remainder of this fact sheet. TWW may be disposed only in hazardous waste landfills or qualified solid waste



landfills.

- Treated wood waste that is not hazardous under California law may be disposed at a nonhazardous landfill according to the authorization and provisions of the landfill. For management options for non-hazardous waste, contact the California Integrated Waste Management Board (CIWMB) at (916) 341-6376.

Predisposal Management of TWW - Interim Standards

From January 1, 2005 until January 1, 2007, HSC § 25150.7 (e) exempts TWW from hazardous waste requirements when it is managed in a manner that prevents scavenging, no mixing with other waste prior to disposal, burning, and recycling occurs (except as allowed under the HSC § 25201 and § 25143.2) and:

- 1) Is handled in a manner that complies with all applicable California Occupational Safety & Health Act (Cal/OSHA) requirements, including all rules, regulations, and orders relating to hazardous waste.
- 2) On and after July 1, 2005, is stored for less than 90 days, kept dry, protected from run-on and run-off, and is placed on an impervious surface that prevents, to the extent practical, contact with and any leaching to soil or water.

California Treated Wood Waste Disposal

RCRA-TWW must be disposed at a hazardous waste landfill. There are three hazardous waste landfills in California eligible to accept RCRA-TWW: Chemical Waste Management, Kettleman Hills; Clean Harbors, Buttonwillow; and Clean Harbors, Westmorland.

TWW-utility {HSC § 25143.1.5} must be disposed of in the composite lined portion of a municipal solid waste landfill that is authorized by a Regional Water Quality Control Board (RWQCB) and that has Waste Discharge Requirements (WDRs) that allow acceptance of such waste.

TWW {HSC § 25150.7 (d)} must be disposed in a hazardous waste landfill or qualified solid waste landfill. Qualified solid waste landfills are those that:

- 1) Are regulated by Waste Discharge Requirements allowing disposal of a designated waste or TWW. TWW may only be disposed in a composite lined

portion of the solid waste landfill.

- 2) Manage the TWW in a manner to prevent scavenging.
- 3) Ensure that management of the TWW at the solid waste landfill prior to disposal, or in lieu of disposal, complies with applicable requirements.
- 4) Cease TWW disposal when monitoring of the landfill unit in which TWW has been disposed indicates a verified release.

For information about landfills eligible to accept TWW, call the Department of Toxic Substances Control (DTSC) at (916) 322-0348. Contact the landfill prior to delivery to determine if TWW is accepted. The landfill operator may choose to not accept TWW.

TWW Alternative Management Standards

DTSC will adopt regulations establishing alternative management standards (AMS) by January 1, 2007 per HSC § 25150.7(g). In adopting the AMS, DTSC will consult with the California Integrated Waste Management Board (CIWMB), the State Water Resources Control Board (SWRCB), and the Office of Environmental Health Hazard Assessment (OEHHA). The regulations will ensure that TWW be managed to prevent, to the extent practical, releases of hazardous constituents to the environment, prevent scavenging, and prevent harmful exposure of people, aquatic life and animals to hazardous chemical constituents of the TWW. When these regulations are adopted, TWW may be managed in accordance with either: (a) the AMS, or (b) the requirements of HSC, Division 20, Chapter 6.5. Hazardous Waste Control and DTSC regulations that apply to hazardous waste.

In addition, HSC § 25150.7(g) requires the AMS regulations to ensure:

- That TWW is not reused, with or without treatment, except for a purpose that is consistent with the approved use of the preservative with which the wood has been treated. Approved use means a use approved at the time the treated wood is reused.
- That all employees involved in the acceptance, storage, transport, and other management of TWW are trained in the safe and legal management of TWW, including, but not limited to, procedures for identifying and segregating TWW.

- Any size reduction of TWW must be conducted in a manner that prevents the uncontrolled release of hazardous constituents to the environment, and must conform to applicable worker health and safety requirements.

- All sawdust and particles from size reduction at a landfill must be captured and shall be managed as TWW.

DTSC TWW Variances

Pursuant to HSC § 25150.7 (i) all past DTSC (formerly the Department of Health Services) variances involving TWW became inoperative on January 1, 2005.

Treated Wood Products Notification

Per section 25150.7 (f), every wholesaler or retailer of treated wood and treated wood-like products in California is required to conspicuously post information concerning health risks posed by the products and precautions to be taken when working with treated wood. Notification shall be posted near the point of display of treated wood products used for fencing, decking, retaining walls, landscaping, outdoor structures and similar uses.

Additional information may be found on the Western Wood Preservers Institute® website in the section named Treated Wood in California. The WWPI web address is www.wwpinstitute.org or call 866-696-8315.

Important Dates

- January 1, 2005

HSC § 25150.7 (e) provides a conditional exemption from hazardous waste control laws for TWW. All previously granted variances governing the management of TWW are inoperative and have no further effect.

- July 1, 2005

The wood preserving industry shall, in consultation with DTSC, make information available to handlers of TWW on how to manage and dispose the waste, HSC § 25150.7 (f)(2).

- January 1, 2007 (on or before)

DTSC shall develop and adopt Alternative Management Standards (AMS) for TWW, HSC §

25150.7 (g)(1).

- January 1, 2007

The conditional exemption for TWW expires. TWW is to be managed according to HSC, Division 20, Chapter 6.5. Hazardous Waste Control and DTSC regulations or the AMS for TWW after this date, HSC § 25150.7 (e)(2).

- June 1, 2011

DTSC shall prepare and post on its web site a report determining compliance with the requirements of the TWW law, HSC § 25150.7 (k).

- January 1, 2013

The present requirements imposed by HSC § 25150.7 are repealed, unless another statute is enacted. AMS adopted pursuant to HSC § 25150.7 (g) continue in full effect, HSC § 25150.7 (l).

Frequently Asked Questions

Q 1. How can I tell if wood has been preserved?

A. The following guidelines may help you determine if wood has been preserved:

- It may be identified by an ink stamp on the wood or an end tag on new material, these markings may still be visible on used material.

- Most preserved wood used in structural or industrial applications will have been *incised*, a process whereby the wood is conditioned by making small closely spaced incisions on the full surface of the wood to enhance penetration of preservative into the material. The presence of these small cuts that resemble staple holes indicates the material was treated with a preservative.

- If the material has not been stained or dyed it may appear greenish if a copper based preservative was used. Industrial or transportation system wood may be dark brown in color with an oily appearance if it was preserved.

- A fresh cut through the wood may reveal the penetration of the preservative into the outer quarter to one inch of the wood, depending upon the method of treatment and use.

- Consider the type of project the wood was used in. It may be treated material if it was in

contact with the ground or installed for harsh use. Wood that is not naturally decay resistant such as pine is more likely to be preserved. Decay resistant species like redwood or cedar are usually installed without preservative treatment.

- A laboratory analysis can determine if a preservative is present in the wood.

Q 2. Where may I dispose TWW?

A. TWW should be disposed at a HW landfill or a solid waste landfill that accepts TWW. DTSC maintains a list of hazardous waste disposal facilities. The list may be viewed at: www.dtsc.ca.gov/HazardousWaste/LIST_HWM_Commercial_Facilities.pdf.

For information about solid waste landfills that accept TWW, call DTSC's Hazardous Waste Management Program at (916) 322-0348.

Q 3. Does this law require that preserved wood be removed from service if it is appropriately used?

A. No.

Q 4. Is all preserved wood waste a hazardous waste?

A. No. Some preserved wood does not contain hazardous constituents, while other preserved wood waste is not a hazardous waste when preservative concentrations are below regulatory thresholds. There are no statutory or regulatory limits on the disposal of non hazardous waste preserved wood. It may be disposed at landfills according to the provisions of each facilities authorization.

Q 5. Does this new law prohibit the use of preserved wood products?

A. No.

Q6. If I have a preserved wood product that I no longer intend to use, can I transfer it to another person who will continue to use it for its intended purpose?

A. Yes, preserved wood products that are relinquished to another user and are used for the purpose for which they were originally manufactured are not wastes (and are not regulated as hazardous wastes).

Q7. Do restrictions other than those in HSC § 25143.2 exist for reuse of waste preserved wood?

A. Yes, scavenging of this waste is prohibited. When a preserved wood product is no longer serviceable (e.g., because of degradation over time) or

when an original owner of a preserved wood product intends to discard it, or actually discards it, the preserved wood product becomes a waste and possibly a hazardous waste that may not be scavenged after being discarded.

DTSC Public and Business Liaisons (Duty Officers)

If you cannot find the information that you are looking for in this fact sheet, contact DTSC's Public and Business Liaisons (Duty Officers) at 800-728-6942. Contact information may be viewed at: www.dtsc.ca.gov/Flyers/OAD_fly_Domap.pdf.

For more information about Waste Preserved-Wood, call DTSC's Hazardous Waste Management Program at (916) 324-0064.

Acronyms

ACZA – Ammoniacal Copper Zinc Arsenate
ACQ – Alkaline Copper Quaternary
AMS – Alternative Management Standard
CCA – Chromated Copper Arsenate
CIWMB – California Integrated Waste Management Board
CA-B – Copper Azole
CBA – Copper Boron Azole
DTSC – Department of Toxic Substances Control
DPR – Department of Pesticide Regulation
FIFRA – Federal Insecticide, Fungicide, and Rodenticide Act
HSC – Health and Safety Code
HWCL – Hazardous Waste Control Law (HSC, Division 20, Chapter 6.5)
OEHHA – Office of Environmental Health Hazard Assessment
RCRA – Resource Conservation and Recovery Act
RWQCB – Regional Water Quality Control Board
SWRCB – State Water Resources Control Board
WDRs – Waste Discharge Requirements